

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICROSOFT CORPORATION,)
)
Plaintiff,)
) **8:06CV263**
v.)
)
JAY D. SMITH,)
)
Defendant.)

Upon notice of settlement given to the magistrate judge on December 4, 2006 by counsel for the plaintiff,

IT IS ORDERED that:

1. The parties shall file a joint stipulation for dismissal (or other dispositive stipulation) with the clerk of the court which will fully dispose of the case **on or before January 5, 2007**. If the case is being dismissed, the stipulation shall comply with Fed. R. Civ. P. 41(a)(1)(ii) and shall state whether the dismissal is with or without prejudice.
2. Absent compliance with this order, this case (including all counterclaims and the like) may be dismissed without further notice in accordance with NECivR 68.1.
3. The pretrial conference and trial previously scheduled are cancelled and Adam Jacobs' motion to withdraw (Filing No. 31) is termed, upon the representation that this case is settled.

DATED this 5th day of December, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge